



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JAN 04 2010

Mr. Todd M. Wallace  
Acting Director, Bureau of Waste Management  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street, 14th Floor  
Harrisburg, Pennsylvania 17105-8471

Dear Mr. Wallace:

On December 7, 2009, the Environmental Protection Agency (EPA) conducted the FY09 end-of-year review of the RCRA Subtitle "I" Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) programs of the Pennsylvania Department of Environmental Protection (PADEP), Office of Waste, Air and Radiation Management. A separate EPA end-of-year report on the UST/LUST Program performance is not being prepared since the brevity of the program items allows for complete coverage in this letter. Your staff has had the opportunity to review this letter and offer comments.

Overall, EPA is pleased with PADEP's performance in the UST and LUST programs through end-of-year FY09. In the UST Program, PADEP's Significant Operational Compliance (SOC) combined rate for release detection and release prevention increased over 3% in FY09. EPA recognizes PADEP's efforts in this regard.

EPA appreciates the Commonwealth's work toward the accomplishment of the UST provisions of the Energy Policy Act (EPAAct). EPA is pleased that PADEP, along with its Third Party Inspection Program, has completed the annual inspections necessary to meet the EPAAct requirement to inspect each UST at least once every three years. PADEP anticipates finalizing its Operator Training rulemaking by the end of calendar year 2009 or in January 2010. PADEP committed to submit draft implementation guidance for EPA's review identifying that Significant Operational Compliance (SOC) violations will trigger retraining.

In a letter dated December 2, 2009, EPA expressed its concern that PADEP's Secondary Containment regulations do not contain the monitoring or financial assurance requirement for emergency generator tanks. EPA requested in that letter that PADEP provide, by December 31, 2009, either a schedule for adopting the monitoring or financial assurance requirement by no later than December 31, 2012, or a plan to address interstitial monitoring through other means.




In the LUST program, the PADEP cooperative agreement workplan specified a grant goal of 268 and an overall goal of 550 cleanups. PADEP facilitated 554 cleanups. EPA appreciates that PADEP surpassed both its FY09 grant related and overall cleanup goal. PADEP's LUST site backlog has decreased by 322 sites since the end-of-year of FY08 to 20.6%. PADEP's relative LUST cleanup backlog decreased 2.3% in FY09, which is a substantial decrease. EPA appreciates the Commonwealth's progress in this area.

EPA appreciates the Commonwealth participating in EPA's Phase II LUST Backlog Study. On November 4, 2009, PADEP provided comments on EPA's draft summary report to better define PADEP's cleanup backlog. EPA Region 3 will follow-up with EPA's Office of Underground Storage Tanks to pursue revisions to the summary report.

With regard to the American Recovery and Reinvestment Act (ARRA) Stimulus Program, the Commonwealth has reported the initiation of 27 new site assessments with Stimulus funding. PADEP later notified EPA that 26 of these sites were previously started using non-stimulus funds. PADEP corrected the reported number of new site assessments initiated. EPA recognizes, however, that the Department had quickly begun work simultaneously at 27 sites. EPA appreciates PADEP's efforts to rapidly put the LUST ARRA funds to work in the Commonwealth. PADEP has already obligated 56% of funds, and expects to spend at least 15% of funds awarded by EPA for contracts by April 30, 2010. EPA will be scheduling a visit to PADEP in January or February 2010 to initiate the site eligibility verification process. Also, EPA will schedule a visit to PADEP in Spring 2010 to conduct Post-Award Monitoring of the Stimulus grant.

In summary, EPA is satisfied with PADEP meeting its grant targets in the UST and LUST programs. I thank you and your staff for your continued productivity in implementing the UST and LUST programs in the Commonwealth. I look forward to our continued collaboration and success. If you have any questions regarding this letter, please contact me at (215) 814-3143 or at [ferdas.abe@epa.gov](mailto:ferdas.abe@epa.gov).

Sincerely,

  
Abraham Ferdas, Director  
Land and Chemicals Division

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